

1 **Camden County Planning Board**

2 **Minutes**

3 **March 18, 2009, 7:00pm**

4 Historic Courtroom

5 Camden County Courthouse Complex

6
7
8 Members Present: Chairman Rodney Needham, Absent: John Aydlett
9 Vice Chairman Terri Griffin,
10 Fletcher Harris, Ray Albertson,
11 Calvin Leary, Michael Etheridge
12

13 **Call to Order & Welcome**

14
15 Chairman Rodney Needham called to order the March 18, 2009 meeting at 7:00 PM.
16

17 **Others Present at Meeting**

18
19 Present were staff members Dan Porter, Director of Planning, Dave Parks, Flood
20 Administrator and Permit Officer, Tommy Burk, GIS Technician, and Amy Barnett,
21 Planning Board Clerk. Present for purposes of presenting information relevant to their
22 Request for amending their Conditional Use Permit were several persons representing E & J
23 Holdings / Xe aka Blackwater USA. Those persons being: 2 Range Masters (training
24 officers), Jim Sorosky, Katherine McKenzie, and Eddie Hyman (of Hyman and Robey).
25 Also present were several members of the community, here to speak about the
26 aforementioned request for amendment of Conditional Use Permit. Those speakers names
27 and town of residence for the record are: Mike Hall (Moyock, NC), Holly Kanowitz
28 (Camden, NC), Sherry Motes (Moyock, NC), Troy Breathwaite (Moyock, NC), Sheryl
29 Frasier (Camden, NC), Juanita Krauss (Moyock, NC), Sheriff Tony Perry (Camden, NC),
30 and Larry Johnson (Camden, NC).
31

32 **Consideration of Agenda**

33
34 Chairman Rodney Needham called for the consideration of the agenda. Calvin Leary made a
35 motion to approve the agenda. Ray Albertson seconded the motion. The motion was
36 approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher
37 Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1
38 absent; none not voting.

39 **Consideration of the Minutes- February 18, 2009**

40
41 Chairman Rodney Needham called for the consideration of the minutes from the February
42 18, 2009 meeting. Vice Chairman Terri Griffin made a motion to approve the minutes from
43 the February 18, 2009 meeting as written. Calvin Leary seconded the motion. The motion
44 was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members
45 Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting
46 no; 1 absent; none not voting.

47
48 **Comments from the Public.**

49
50 Although there were many members of the community present at this evenings meeting, they
51 were all here to speak in regard to the request made by E & J Holdings / Xe aka Blackwater
52 USA to amend their Conditional Use Permit to allow extended hours of operation, and use of
53 concussion type explosives.

54
55 No member of the community present at this evenings meeting spoke during the 'Comments
56 from the Public' section of the meeting.

57
58 **Old Business**

59
60 None.

61
62 **New Business**

63
64 ***Item #1 Presentation from Tommy Burk (GIS Technician) on Highway 158 Corridor***

65
66 Tommy Burk made a presentation showcasing what could possibly be developed along US
67 Hwy 158 for the future of Camden County. His presentation took into account the Hwy 158
68 widening project.

69
70 ***Item #2 Amendment to 151.232-Design Standards and Criteria for Major Subdivisions***

71
72 Dave Parks described this issue: This proposed ordinance amendment has to do with design
73 standards for developments, for state road acceptance. Right now there are about 6 or 7
74 developments with roads that have not been accepted by the state, those developments have
75 petitioned the state for acceptance... Planning Staff is submitting proposed ordinance changes
76 pertaining to road acceptance by NCDOT:

77
78 New ordinance language (changes) under (A) Streets and Roads, paragraph
79 (5) Construction Standards, proposed change: once the development meets the
80 minimum housing requirements for state road acceptance, the developer
81 petitions NCDOT for state road acceptance. After NCDOT has inspected and
82 approved the road for acceptance, the developer has 12 months to turn over
83 the road to the state.

84 Rodney Needham asked what the minimum number of homes in regard to minimum housing
85 requirements that would be required for NCDOT road acceptance was. Dave Parks and
86 Eddie Hyman of Hyman and Robey both spoke to answer this question saying that the
87 minimum number of homes was 4. Dave Parks said that it would also apply to housing
88 projects that are in phases, they can't move on to their next phase until the roads are accepted.
89

90 Rodney Needham questioned why 12 months is being given to turn over the roads to the
91 state. Dave Parks said this was to give them time to address the paving, construction, etc, so
92 the roads can be brought up to NCDOT standards.
93

94 Rodney Needham further asked: "If the developer has met all the requirements that the state
95 requires of it for accepting the roads, why wouldn't the state accept the roads at that point,
96 then the maintenance be given to the state at that point?" Dave Parks responded saying that
97 the developer puts up a bond equal to 30% of the construction costs for the paving portion
98 and maintenance of the roads, which are private at that point until they meet state standards
99 and are accepted by NCDOT. Dan Porter added that there might be a little confusion on this
100 and offered clarification. He said that once the development meets the standards for
101 minimum housing standards (number of houses), NCDOT at that point does not accept the
102 roads, what they do is they come out and inspect the roadway, determine, and notify the
103 developer of what needs to be done to drainage ditches, culverts, any bad spots on the roads,
104 etc, to bring the road up to NCDOT standards. This all takes time for the developer to
105 engineer it and undergo any needed construction to correct any bad spots or changes as
106 required by NCDOT prior to road acceptance.
107

108 Calvin Leary asked who is responsible for maintaining roads until they are accepted by the
109 NCDOT, the homeowner or developer? Dave Parks responded saying that the developer is
110 responsible for upkeep on the roads until acceptance.
111

112 The other issue with proposed changes is boundary requirements. The intent of this change
113 is to segregate commercial and agricultural uses from residential uses. Planning Staff is
114 submitting proposed ordinance changes pertaining to boundary requirements:
115

116 Under (N) Buffer Strips, the ordinance language changed is so that a 50 foot
117 buffer is provided along all property lines that abut non-residential uses.
118

119 Chairman Needham asked if there were any more comments or questions from the board on
120 this issue, hearing none he called for a motion. Calvin Leary made a motion to approve the
121 proposed ordinance changes as submitted by Planning Staff and submit it to the Board of
122 Commissioners for their consideration. Ray Albertson seconded the motion. The motion
123 was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members
124 Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting
125 no; 1 absent; none not voting.

126 ***Item #3 Amendment to Article 151.347(S) (Specific Standards for Firing Ranges) to the***
127 ***Camden County Code of Ordinances***
128

129 Dave Parks gave a brief description of this agenda item. E & J Holdings dba Xe (aka
130 Blackwater) has requested several ordinance amendments to expand specific standards for
131 firing ranges. Mr. Parks went over each requested change, noting the line numbers.
132 Regarding line 46 of the proposed ordinance text amendments, Mr. Parks noted that a lot of
133 the firing ranges belonging to Xe were built to NRA standards, therefore the proposed
134 strikethrough of the language "or superseded or the National Rifle Association Range
135 Manual, as amended" would be removed and the language would stand as is without any
136 modification.

137
138 Terri Griffin asked why was it even suggested to remove that section initially and what the
139 difference was between the two handbooks, (NRA and Military handbook standards). Dan
140 Porter answered saying that Xe came back and had no problem with the NRA standards, but
141 would also like to be able to utilize Military standards as well if that is a possibility. As to
142 the question of the difference between the two, Mr. Porter mentioned that Mr. Eddie Hyman,
143 present tonight, would be able to explain the differences between the two and will show some
144 drawings of the differences between the two safety zones. At this time, Mr. Eddie Hyman
145 explained the differences to the board. There are some minor differences in the Military
146 handbook in regards to the impact zones and distances, caliber projections, and range type
147 construction. When Xe initially went into business 10 or so years ago, some of the ranges
148 were built to NRA standards, some were built with Military safety zones in place. Some
149 ranges will meet 1 standard, some will meet both standards. This is the reason to have both
150 standards in the ordinance. The Military will come in and inspect for their standards, NRA
151 inspects for their standards.

152
153 Terri Griffin asked if there was an opinion on which standard was more stringent. Mr.
154 Hyman responded with a comparison of a 5.56 military caliber weapon that they train with,
155 and a civilian 2.23 Remington rifle. They both use the same type of ammunition. Out of a
156 civilian gun using this round, it travels about 300 yards further than military, so the impact
157 and safety zone for military handbook classification is less than the NRA impact and safety
158 zones. This indicates that the NRA standard is more stringent.

159
160 Mr. Hyman then showed maps depicting locations of ranges, with range safety zones mapped
161 out. He explained the zones and what type of weapon each safety zone related to. These
162 zones match the current County Ordinance which maps out (in writing) the specific standards
163 for the downrange safety zones. He then stated that Xe wants the ordinance amended such
164 that the downrange safety zones correlate to the maximum range of the type of firearm being
165 used for each type of range.

166 Terri Griffin asked what would happen to the land if it was sold and ceased being a firing
167 range for military, and became a different kind of range. With the ordinance in place set up
168 for military standards, it would not be in compliance for civilian type guns. Mr. Hyman
169 restated that the civilian type rifles shoot ammunition further than the military issue rifles, so
170 yes if the range is set up for military, and land was sold and the range was converted into a
171 civilian shooting range, it would not be in compliance with the downrange safety zones for
172 civilian ranges. Mr. Hyman went on to say that Xe wants to limit the types of weapons used
173 on ranges so that the downrange safety zone is based on the distance/range of the weapon
174 that the firing range is approved for.

175
176 Calvin Leary asked Mr. Hyman if only the Military handbook was being used for section (8)
177 of the ordinance. Mr. Hyman responded saying that Xe would like for both the NRA and
178 Military handbooks to apply. Dave Parks stated that there was language that would be added
179 in. He then read the language: "For those ranges constructed in accordance with the NRA
180 range manual, the downrange safety area shall not apply, but the permit holder shall provide
181 documentation on approval of said ranges by the NRA sponsored team of inspectors
182 annually."

183
184 Terri Griffin asked Mr. Hyman to explain what Mr. Parks read. Mr. Hyman indicated that
185 NRA ranges are designed for full containment, in that they are built with hills to absorb the
186 impact of whatever type of ammunition is being used at the range. This way the dirt of the
187 hill will keep the ammunition from traveling outside of the range itself.

188
189 At this time, Mr. Parks went over the rest of the ordinance changes. He noted the following:

190
191 In section (11), the proposed change to 200 feet for setbacks for backstops
192 from any property line is being rolled back to the original 900 feet, and no
193 change will be made to section (11).

194
195 Section (13) refers to section (19) which requires a special use permit.
196 Section 13 limits the types of weapons used at a firing range, unless set as a
197 condition of a special use permit. The proposed removal of the reference to
198 the NRA Range Manual is being rolled back such that the reference to the
199 NRA manual will stay in the ordinance.

200
201 Section (14) refers to section (19) which requires a special use permit.
202 Section 14 prohibits the use of concussion explosives unless set as a condition
203 of a special use permit.

204
205 Section (15) also refers to section (19) and lists prohibited training types,
206 unless set as a condition of a special use permit.

207
208 Section (17) adds that the overnight or temporary storage of explosives must
209 meet the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE)
210 storage and stand-off safety standards. This section also changes the agency
211 reference from the Department of Defense to the BATFE wherein the
212 standards reside.

213 Section (18) is a new section and states that each firing range be posted stating
214 the type of firearm and caliber allowed for use at that range.

215
216 Section (19) changes the prohibition such that conditions can be set for special
217 use permits to allow other types of activities.

218
219 At this time Ms. Kate McKenzie, associate counsel for E & J Holdings dba Xe Services (aka
220 Blackwater) spoke. She read a statement of the history, goals, etc., of Xe, which describes
221 their training facilities and operations. Following the brief statement, she indicated that Xe
222 wanted to add a request to add to the language of section (13) to address and allow for
223 demonstrations of weapons by properly licensed and trained vendors. She further went on to
224 indicate that in section (15), Xe doesn't participate in any of the training types except military
225 and law enforcement, and she supported deleting all but the aforementioned training types
226 from the ordinance.

227
228 Terri Griffin questioned what Ms. McKenzie said in regards to section (15). Ms. Griffin
229 indicated that the ordinance should not apply to just one agency. Dan Porter responded to
230 this saying that the ordinance is across the board and that all the training types should be left
231 intact, since the ordinance applies to everyone, not just Xe.

232
233 At this time, Chairman Rodney Needham asked the public present at tonight's meeting if they
234 had any questions.

235
236 Mr. Michael Hall of Moyock, NC spoke. He was concerned about the hours of Xe, caliber of
237 weapons used at Xe, etc. He was mistakenly referring to the ordinance asking why these
238 things were not in the ordinance, Ms. Terri Griffin informed him that the ordinance is not
239 where those items are set... those items are addressed in a special use permit. The ordinance
240 applies to everyone equally, not just Xe. Dan Porter added that all firing ranges in the county
241 are required to come before the Planning Board, and then the Board of Commissioners to
242 obtain a special use permit for the operation of a firing range. Mr. Hall also suggested that
243 when showing an ordinance on a projector screen, it would be helpful if the changes were
244 color coded so that the public present could more readily understand what those changes are.

245
246 Ms. Holly Kanowitz, of Camden, spoke next. She asked for clarification regarding the
247 difference between the ordinance itself and the need for a special use permit. Dave Parks
248 explained to her that the ordinance applies to everyone as a guideline for, among other
249 things, applications for special use permits wherein specific issues relating to requests of the
250 applicant are addressed.

251
252 Vice Chairman Terri Griffin spoke to the public present, saying that the Planning Board is
253 still on Agenda Item #3 which relates to the ordinance. Most of the public present were here
254 for Item #4, which is the agenda item relating to the request by Xe (formerly Blackwater).

255 Ms. Sherry Motes, of Moyock NC, spoke next. She asked why Xe was speaking on this
256 matter if the ordinance applies to everyone across the board. Dan Porter explained that if the
257 Planning Department had addressed Xe's initial request the way they requested it, there
258 would be a whole number of items to address. And so the Planning Department is addressing
259 their request as a request to change portions of the *ordinance*, and presenting those
260 recommended *ordinance* changes to the Planning Board. The only other item has to do with
261 the change in the ordinance regarding safety zones, which were requested by Xe, that were
262 mentioned by Mr. Hyman. The Planning Department is in agreement with Xe regarding the
263 requested safety zone ordinance changes, that is the reason why they are partly involved in
264 the general discussion of the ordinances for firing ranges.

265
266 Mr. Troy D Breathwaite, of Moyock, spoke next with a few comments. He mentioned that
267 there was a similar ordinance change that has recently been undertaken in Currituck. Also,
268 he mentioned that the 'downrange safety zones', as presented by Mr. Hyman, do extend into
269 Currituck County. Dan Porter responded to these comments and is quoted as follows:

270
271 "We have been in touch with the Planning Department over in Currituck, and I've talked a
272 couple of different times with Ben Woody, their Planning Director. I have actually received
273 a copy of the actions they took about a week or two ago. The range safety zones are similar,
274 I think they are exactly the same, Mr. Hyman may be able to talk to that, but I believe that
275 they are exactly the same as what was approved over in Currituck County. One of the
276 biggest differences, and Currituck County is just now beginning to address this, when we had
277 to address the issue of firing ranges for Blackwater back in 1997, so we addressed it as a
278 firing range. Obviously, their activities have grown. And as they have grown, they have
279 come before this board and the Board of Commissioners for a couple of different special use
280 permits. And we have amended their special use permit and this ordinance to some degree
281 over a period of years. When Currituck addressed this, they basically established a whole
282 new zoning category for, and I don't know exactly what it is called, but it is a training type of
283 facility, so while we piecemealed a number of different permits to allow them to do a number
284 of different things, Currituck had the experience of seeing how it had grown, and been able to
285 draw its zoning classification specifically for a training facility of this nature. So there are
286 some differences in that manner. What we have done, again we didn't have the luxury of
287 knowing what was there before we drew up our ordinance, so we addressed the firing range
288 activities as a firing range. When they expanded and did some of their other activities, they
289 actually came in and got special use permits for those specific activities. But those are not
290 related to the firing range."

291
292 At this time, Chairman Rodney Needham asked if there were any other questions or
293 comments. Hearing none he called for a motion. Calvin Leary made a motion to adopt the
294 amendments to 151.347(s) (specific standards for firing ranges) to the Camden County Code
295 of Ordinances as proposed by the Planning Department. Fletcher Harris seconded the
296 motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri
297 Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge
298 voting aye; none voting no; 1 absent; none not voting.

299 ***Item #4 Request from E&J Holdings to amend Conditional Use Permit for their Firing***
300 ***Range Facility***
301

302 Dave Parks gave a brief description of the request made by E&J Holdings dba Xe (formerly
303 Blackwater). Mr. Parks read the conditions of the proposed re-adopted special use permit
304 indicating which conditions were new and which were prior conditions of the original
305 Conditional Use Permit, issued back in 1997. Those conditions are as follows:
306

- 307 1. The applicant must strictly abide by all requirements of the Unified
308 Development Ordinance of Camden County, North Carolina, and must
309 also strictly comply with all other local, state, and federal ordinances,
310 laws, rules, and regulations as one or more ordinances, laws, rules, and
311 regulations may apply to this development. (New - Standard condition
312 on all permits)
- 313 2. Reputable firm designing the facility. (Old)
- 314 3. Camden County FFA and law enforcement agencies to use these
315 facilities free of charge. (Old)
- 316 4. There shall be no dogs used for hunting. (Old)
- 317 5. Designed in accordance with all Camden County, State of North
318 Carolina and Federal Building Codes. (Old)
- 319 6. Weapons type restrictions shall include machine guns subject to the
320 physical constraints of the property, for use only by any law
321 enforcement, military, or federal agency group duly authorized to use
322 these style weapons. (New)
- 323 7. Permitted up to 60 ranges and that any future requests shall be addressed
324 in blocks of ten (10). (New)
- 325 8. Paintball activities authorized for Federal and Governmental agencies
326 only. (Old - Amended in 2002 by BOC to include Paintball activities)
- 327 9. No business access through George Wood Farms, Inc. property (where
328 the present right of way exists). (Old)
- 329 10. Military, para-military or militia type activities or maneuvers, including
330 but not limited to hand-to-hand combat training, maritime training,
331 swamp, or guerrilla warfare techniques, incendiary type firings,
332 infiltration course type training, shall be permitted for use by law
333 enforcement, military or federal agency groups only. (New - Xe wants
334 to strike out para-military or militia type activities or maneuvers,
335 including but not limited to hand-to-hand combat training, maritime
336 training, swamp, or guerrilla warfare techniques)
- 337 11. No unit tactics shall be taught to civilian groups. (Old)
- 338 12. No training or fire arms use shall be taught to convicted felons. (Old)
- 339 13. Hours of operations shall be from 7:00 AM to 10:00 PM daily. (Old)

Mr. Parks then read the request by E&J Holdings dba Xe wherein they requested amendments on the types of explosives they may use, and the allowed hours of operation for their facilities. Mr. Parks indicated that, based on information gathered from Xe and from Currituck County, the Planning Department is in favor of approval of inclusion of concussion type explosives as indicated below as a condition of the special use permit. The language of both requests appears below:

Explosives type request:

"Concussion type explosives shall be permitted for use by law enforcement, military or federal agency group duly authorized to use these types of explosives. The maximum amount of explosives on-site at any one time shall not exceed 100 pounds stored and 10 pounds utilized during any one evolution."

Hours of operations request:

"During the months of Eastern Standard Time, no firing or explosive training activities shall occur prior to 7:00 AM or after 10:00 PM daily Monday through Saturday and on Sundays prior to 9:00 AM or after 10:00 PM. During the months of Daylight Savings Time, no firing or explosive training activities shall occur prior to 7:00 AM or after 12:00 AM daily Monday through Saturday and on Sundays prior to 9:00 AM or after 10:00 PM. No firing or explosive training activities shall occur on Christmas Day."

At this time, Mr. Parks asked Ms. Katherine McKenzie to step up to the podium and explain their need for extended hours of operation. Ms. McKenzie said that most law enforcement activities (swat team, drug enforcement) occur at night, as such their training and certification must also occur at night. She mentioned that during daylight savings time there is more daylight during the night time hours leading up to 10:00 PM, and so to maximize the amount of after dark training available to their clients, they want to extend their hours to Mid-Night during daylight savings time.

Calvin Leary asked Ms. McKenzie why Xe is requesting an extension of 2 hours when daylight savings time only affects 1 hour. Ms. McKenzie re-iterated that there is more daylight during the night time hours leading up to 10:00 PM, and wants to maximize the amount of after dark training available to their clients. Also, one of the range masters from Xe mentioned that during the winter months it gets darker sooner, but during the summer months it stays light outside up until 9:30 PM, which only gives 1/2 hour of night training. Extending only 1 hour would still only give 1-1/2 hour of training, so that is the reason for asking for the 2 hour extension on operational time during daylight savings time.

379 Vice Chairman Terri Griffin asked Ms. McKenzie if Xe had been operating contractually
380 under the 10:00 PM closing time. Ms. McKenzie said they had. Mr. Jim Sorosky, Vice
381 President for Training Operations for Xe Services, said they had been cooperating with the
382 Virginia Beach Police Department in their training to try to keep it around 10:00 PM. Dave
383 Parks asked what the time frame for 1 training evolution was. Mr. Sorosky responded that it
384 depends on how many officers they have training at any one given time. Range Master
385 Randy [??? last name not able to be understood on recording] said that it could take 30
386 minutes if training only a few persons or it could be up to 2-3 hours if training a whole group
387 (20-30 persons) or more than 1 group.

388
389 Calvin Leary asked why they didn't just reduce the number of applicants training in any one
390 given session. Mr. Sorosky answered saying that those training were not what he referred to
391 as open-enrollment customers, rather they are the law enforcement community who need to
392 train and receive certification qualifications. Mr. Leary then asked about groups of 20, and
393 asked if they only took the group of 20 one time, or do they train several times. Vice
394 Chairman Terri Griffin asked how often do they have groups of 20. Mr. Sorosky answered
395 that they have groups of 20 quite often.

396
397 Ms. Griffin then asked how long had Xe been in a contract with Virginia Beach. Mr.
398 Sorosky answered saying they have been in a contract with Virginia Beach since 2005. Ms.
399 Griffin asked why the time has just now become an issue. Ms. McKenzie answered saying
400 that they have asked for a time extension 2 other times, but ultimately withdrew their
401 requests because of public opposition. Ms. McKenzie indicated that their operations are
402 getting to the point that they feel they need the time extension now. She added that since
403 they were proposing other changes to their permit, that now would be the time to request the
404 time extension as well.

405
406 Ms. Griffin asked who the competitors were for the types of services that Xe provides. Mr.
407 Sorosky answered and listed a few of them. Ms. Griffin then asked if there were any time
408 restrictions on them. Mr. Sorosky answered saying he did not know. Mr. Eddie Hyman
409 spoke saying he had a map of the locations of the surrounding ranges. Ms. Griffin said that
410 the Planning Board was mainly concerned with the hours of operation of the other ranges and
411 how that would impact Xe competitively. Mr. Sorosky responded saying that it was indeed a
412 very competitive market, and said that things like this could send their customers to the
413 competition.

414
415 Ms. Sheryl Frasier, of Camden NC, asked why Xe wanted extended hours for all of the
416 daylight savings time months when the summer months are the only months they need.
417 Summer months have the longest daylight days, spring and fall have much shorter daylight
418 days. It didn't make sense for Xe to request all of daylight savings months, when they only
419 need summer months.

420 Ms. Griffin added to Ms. Frasier's comments, saying that since daylight savings time was
421 adjusted on both ends, the laws effectively gave an extra month on each end. Ms. Griffin
422 indicated that if the Planning Board were to approve a change in hours because of daylight
423 savings time, then if the laws changed again so that daylight savings time were 12 months
424 out of the year, Xe would effectively have a permanent closing time of Midnight due to
425 daylight savings time.

426
427 Mr. Troy Breathwaite spoke next saying that he as well did not see any need for the extended
428 hours during all of daylight savings time months, when there are only 2 months out of the
429 year that have less than 2 hours between sunset and 10:00 PM. He mentioned a chart he
430 obtained which shows the sunrise and sunset times for the entire year.

431
432 (As an aside: after the meeting, Mr. Breathwaite gave a copy of the chart to the Planning
433 Board Clerk, also the chart can be obtained online from a US Navy website at the following
434 webpage: http://aa.usno.navy.mil/data/docs/RS_OneYear.php.)

435
436 After Mr. Breathwaite's comments, Ms. McKenzie spoke saying that on behalf of Xe, she
437 wanted to modify the request for extension of time such that 'for the months of June, July,
438 and August' would be added to the language of the request instead of all of daylight savings
439 time. Also, Ms. McKenzie pointed out that there was a typo in the request, it should have
440 read in part 'prior to 12 PM on Sunday' such that no activities would take place prior to noon
441 on Sunday.

442
443 Next, Ms. Juanita Krauss of Moyock NC spoke. She praised Xe / Blackwater as being the
444 best operation of any on the East Coast with regards to hours of operation in that it stays open
445 the longest in order to serve it's clientele. She said that most ranges have hours of 'dawn till
446 dusk'. She questioned the explosives being allowed to take place at night time hours. She
447 was concerned about the request which if granted would allow explosives right up until
448 midnight. In her opinion, explosives should stop at 8:00 PM, but shooting could continue
449 until closing. She expressed her concern that the geographical area wherein Xe / Blackwater
450 resides is a large area and has a large amount of residential neighbors. She wants the right
451 regulations to be in place such that there could be good relations between Xe / Blackwater
452 and their neighbors.

453
454 Next, Sheriff Tony Perry of Camden County spoke. He passed out a map and copy of
455 complaint details listing 10 Currituck County Communications complaints, 1
456 Pasquotank/Camden Communications complaint, and 2 Camden County Sheriffs Department
457 complaints against Blackwater. The map showed the number of miles between the
458 complainant and Xe / Blackwater. These complaints were dated between March of 2007 and
459 January of 2009. He pointed out one of the complaints which stated gunfire after 2:00 AM,
460 when according to the conditions of the Conditional Use Permit, activities should have
461 ceased at 10:00 PM. Another complaint was on a Sunday and a church pastor had to stop
462 morning worship services due to the noise created by explosions. Sheriff Perry said he spoke
463 with Gary Jackson who said he would take care of this. Other complaints were of loud
464 explosions that made windows shake, houses rattle, walls vibrate, etc.

465 Sheriff Perry voiced strong opposition to the issue of hours, and stated for the record that in
466 his opinion the hours of operation should be from 8:00 AM until 5:00 PM Monday through
467 Saturday (and NO SUNDAY). He also made mention of the fact that the Sheriff's
468 Department has their own range and has not trained at Xe / Blackwater in the last 8-10
469 months. Following Sheriff Perry's comments, there was a great deal of applause from the
470 public present at the meeting indicating they agreed with his statements.

471
472 Next Mr. Larry Johnson of Camden NC spoke. He spoke about the ongoing ambient noise
473 and how it may impact the Navy's noise study for the OLF. Mr. Johnson's concern is that the
474 Navy may see the amount of noise coming from Xe / Blackwater and question why those in
475 opposition to the OLF are using noise as a factor in their opposition. Mr. Johnson said that
476 he doesn't want the Navy to get the idea that residents will put up with the noise from Xe /
477 Blackwater, and use that as leverage to place the OLF in Camden County. He added that
478 para-military type of training or activities might be a signal to the Navy that military
479 activities are compatible with Camden County. This is a message that those against the OLF
480 do not want to send.

481
482 At this time, Ms. McKenzie returned to the podium to address the late night noise issues.
483 She said that Xe / Blackwater trains about 25,000 students per year. They shoot about
484 21,918 rounds per day on average. From March of 2007 to January 2009 there were 13
485 complaints against Xe / Blackwater. She then showed to the Board a map showing training
486 ranges, airspace bombing ranges, etc that are in use by other law enforcement agencies and
487 the US Military. That map showed off-shore training airspace and bombing ranges which
488 could be the source of loud explosive sounding noise. Some of those ranges include the
489 Northwest Range, a C2 Range, offshore Navy bombing ranges off of Dam Neck and out in
490 the ocean, Harvey Point, etc. Her reason for showing the map is to illustrate that not all of
491 the noise is coming from Xe / Blackwater property.

492
493 Vice Chairman Terri Griffin asked if any of the complaints had been traced back to any
494 activity happening at that time. One of the Range Masters present at the meeting answered
495 saying that after they received the report showing the 13 incidents from Sheriff Perry, they
496 went through their explosive logs, range boards, etc and broke down the complaints in an
497 effort to identify the incidents. Out of the 13, only 1 fell outside of the 8:00 AM to
498 10:00 PM, that was at 2:07 AM. Everything else fell inside of the timeframe of the allowed
499 hours of operations. He went on to say that not all of the incidents were related to activities
500 at Xe. For example, there was a complaint from a person on Knotts Island. There is an
501 offshore bombing range near Knotts Island and is probably what that person heard.

502
503 The Range Master went on to say that as for the explosions, he and 2 fellow Range Masters
504 are the ones who light off the explosions and they do not light off after dark for safety
505 reasons. He said that he needs to be able to see what is between himself and the charge when
506 it is lit off, for the reason that if anything is in front of him it is a 'go or no go' situation. If
507 there is anything or anyone in front of him, he doesn't light it off until the field in front of
508 him is clear. He further stated that they do use what are termed door breaching charges,
509 which are set off after dark. These are the types of charges that will open a locked or
510 barricaded door. As stated by Ms. McKenzie earlier, the after dark activities which use
511 explosives are SWAT team type activities, where door breaching charges would be utilized.

512 The Range Master also said that he had the opportunity to speak to a Shawboro complainant
513 on the phone one day. She had asked him 'When are you all going to stop the explosions?
514 You are driving my dogs nuts!'. He responded to her saying that Xe had not yet started any
515 explosions for the day and asked her if she could possibly be hearing something from Harvey
516 Point, to which she said 'What's Harvey Point?'. This illustrates that the public does not
517 know about the other facilities where explosives training takes place.

518
519 The Range Master said that Harvey Point sets off large charges, Xe's charges are up to 4
520 pounds. The charges that Xe is using at night are called door breaching charges and have a
521 net weight of 1.5 ounces, which is the maximum that can be safely used on a house door
522 without damaging the structure. They set the charge, back off about 4 feet and set them off.
523 They do sound loud, but door breaching charges will not be able to be heard at the distances
524 detailed in the complaints. The Range Master then offered to set up a demonstration to show
525 the level of noise created by a door breaching charge. This offer was not commented on by
526 any member of the Board.

527
528 Ms. McKenzie then spoke regarding the noise ordinances. She said that Xe observes 75
529 decibels at all times. She said that they are bound by law to observe 75 db. She stated that
530 Xe has installed decibel meters in Currituck County, and she offered to donate decibel meters
531 to Camden County so that readings may be taken from within Camden County.

532
533 Ms. Juanita Krauss returned to the podium to speak again. She said that if the Planning
534 Board approves a change in the hours, it will put a strain on law enforcement in both counties
535 (Camden and Currituck) because there will be elevated numbers of complaints from
536 residents. She further said that she and others will want to have a letter of agreement from
537 the county stating that there will be a hotline to call for complaints so that 911 services do not
538 have to be utilized for this. She went on to say that in Currituck they structured a use for
539 ranges that would end shooting at 10:00 PM. To quote Ms. Krauss, "Literally as soon as the
540 [Currituck] ink dried, we hear about this on the other side. Its to me, its almost like we're
541 being played. Its not right. We're just asking for some respect here, that's it. We're asking,
542 there's a community here and we're asking for respect. And you're going to, I'm telling you,
543 human nature is, we're going to hear it more, and your police department, your sheriff's
544 department is going to be taxed and I don't think its a good idea."

545
546 Vice Chairman Terri Griffin asked Xe representatives if they would be willing to reconsider
547 their request regarding the hours of operations, since they now have 2 extra months due to
548 the recent change in daylight savings time.

549
550 Mr. Jim Sorosky spoke up and said that they could stop the explosions at dusk (the 1.5 pound
551 explosions). Ms. Griffin reminded him that the Xe Range Master had already said they didn't
552 do those explosions after dark anyway. After Ms. Griffin's comment, the Range Master
553 spoke up and explained again that the types of explosives used at night are not the same as
554 the ones used during daylight. He has to be able to see the charge and see what is between
555 himself and the charge for safety reasons. Large explosives are not done after dark due to the
556 safety concerns. Door breaching charges (which use 1.5 ounces of explosive material) and
557 flash bangs, are the only explosives utilized after dark.

At this time, Chairman Rodney Needham asked if there were any other members of the public present who would like to speak.

Ms. Sherry Motes of Moyock NC stepped to the podium to speak. She said that she was one of the complainants that Sheriff Perry spoke of earlier. On 2 occasions, she called a Xe employee to inquire about incidents. Ms. Motes said that the Xe representative she spoke to owned up to Xe's involvement in the occurrence of the incidents. In one of the incidents, a swat team had been coming back after 12 AM and stopped by Xe to get in a little bit of training. Ms. Motes further stated that she spoke to representatives from Virginia Beach Police Department, who according to Xe is one of their largest contracts and is the motivation behind the request to extend their hours. Virginia Beach PD says that Xe tells them to wrap up around 9:15 so they can be done and out by 10 PM. Ms. Motes thinks Xe is misrepresenting their motives, and went on to say that in her discussions with Virginia Beach Police Officials, specifically the commanding officer in charge of training, Virginia Beach PD never requested Xe to extend their hours. Ms. Motes also said that Virginia Beach PD has said to her that there was no chance of Xe losing their contract because they have no other place to go, there is no other facility that can handle the over 800 officers that are in the employ of Virginia Beach.

Calvin Leary asked Ms. Motes if she could get a statement in writing regarding the "never requesting to extend" from the commanding officer in charge of training for Virginia Beach Police Department.

At this time, Vice Chairman Terri Griffin made a motion to table this issue pending further investigation. Calvin Leary seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

Information from Board and Staff

There was no information from board and staff.

Consider Date of Next Meeting – April 15, 2009

Adjournment

At 9:31 PM, Calvin Leary made a motion to adjourn the meeting. Ray Albertson seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk